

**REMARKS/ARGUMENTS**

By entry of this amendment, claims 1-6, 8-32, 35-42, 48-50, and 52-61 are pending. Claim 1 has been amended to correct a typographical error. The scope of claim 1 is unchanged by the amendment. Claims 59-61 have been added. Support for claims 59-61 may be found at least at paragraphs [0076]-[0079] of Applicant's Published Patent Application No. 2007/0055739. No new matter has been added.

The examiner is thanked for the time spent in a telephone interview conducted on November 22, 2011. During the examiner interview, independent claim 1 and the Wies patent were discussed. No agreement was reached. Applicants submit that the above and following remarks substantially outline the substance of the interview and that no further submission is required.

The Office Action rejects claims 1-6, 8-24, 31, 35-40, and 48-50 and 52- 58 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wies et al (US 6,161, 126; hereinafter Wies). The Office Action asserts that Wies discloses each and every feature of independent claims 1 and 55. Applicants respectfully disagree. Reconsideration is respectfully requested in view of the following remarks.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Independent claim 1 recites, *inter alia*:

retrieving electronic visual content from a remote server to a local client, through an intermediary apparatus;  
modifying by said intermediary apparatus data provided at a later time according to the at least one customization definition for a visual presentation thereof at a plurality of local clients to a plurality of end users;

The Office asserts that col. 2, lines 9-34 and col. 3, lines 24-34 discloses the “intermediary apparatus” feature. The citations specifically describe JavaScript and ActiveX scripts and a client device and a force feedback device. Neither citation discloses or suggests an intermediary apparatus as recited in element (a) of claim 1.

Independent claim 1 further recites “detecting changes in said electronic visual content caused by said editing,” which the Office alleges is disclosed by col. 36, lines 1 -53. This citation describes the operation of a WYSIWYG web browser editor, but it does not describe or mention “detecting changes in [the] electronic visual content” as recited in claim 1. Even the Office’s arguments only describe the operation of a web browser (See page 6, fourth paragraph of the Office Action) and does not explain the specific feature of “detecting changes” as recited in claim 1. For at least these reasons, claim 1 is not anticipated by *Wies*.

Applicant submits that none of the citations disclose or suggest an intermediary device as recited in claim 1. Accordingly, claim 1 cannot be anticipated by *Wies*.

As for the dependent claims 2-6, 8-32, 35-42, 48-50, 52-54, and 56-58, they are allowable due to their dependence upon claim 1.

Claim 55 recites, *inter alia*:

*analyzing* the requested electronic visual content *by an intermediary apparatus* at a second location to determine elements that are customizable;  
modifying said *customizable electronic visual content elements* using customization definitions generated based on previous modifications of other electronic visual content; and

entering in said electronic visual content editing commands at a third location by a user, which commands cause said *intermediary apparatus* to generate additional customization definitions that cause the intermediary apparatus to modify said electronic visual content, said entering not preconditioned on the installation of software requiring user authorization other than a standard viewer or standard browser.

The above features in combination with the other features recited in claim 55 are not disclosed or suggested in the *Wies* patent. Accordingly, claim 55 is allowable.

Claims 25-30, 41 and 42 are rejected under 35 U.S.C. 1 03(a) as being unpatentable over *Wies et al* (US 6,161, 126) in view of *Larcheveque et al.* (US 20090138790). Claims 25-30, 41 and 42 ultimately depend from claim 1. Applicants submit that *Larcheveque* does not overcome the above described deficiencies of *Wies* with respect to claim 1. Accordingly, *Wies* and

Larcheveque, either individually or in combination, fail to disclose or suggest all fo the features in claims 25-30, 41 and 42. Claims 25-30, 41 and 42 are allowable.

New claims 59-61 depend from claim 1, and recite an additional level of detail that is neither disclosed nor suggested by the applied prior art. Accordingly, claims 59-61 are allowable.

### **CONCLUSION**

Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at the number listed below.

Respectfully Submitted,

/Martin E. Miller/

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